

**EXHIBIT 10**

**DUVAL DEPOSITION**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION  
CASE NO. 6:08-3980-GRA

CONFIDENTIAL

HILL HOLLIDAY CONNORS COSMOPULOS,  
INC., d/b/a ERWIN-PENLAND,

Plaintiffs,

-vs-

JEFFREY GREENFIELD and 1st  
APPROACH, LLC,

Defendants, and  
Third-Party  
Plaintiffs,

-vs-

CELLICO PARTNERSHIP d/b/a VERIZON  
WIRELESS, and JOSEPH A. ERWIN,

Third-Party  
Defendants.

DEPOSITION UNDER  
ORAL EXAMINATION  
OF  
ROBYN DUVAL

TRANSCRIPT of the deposition of the witness,  
called for Oral Examination in the above-captioned  
matter, said deposition being taken pursuant to the  
Superior Court Rules of Practice and Procedure by  
and before CHRISTINA LYNN HANSEN, a Notary Public  
and Certified Court Reporter of the State of New  
Jersey, at THE DOLCE HOTEL IN BASKING RIDGE, 300  
North Maple Avenue, Basking Ridge, New Jersey, on  
Wednesday, December 2, 2009, commencing at  
approximately 12:48 in the afternoon.

MAGNA LEGAL SERVICES  
Seven Penn Center  
1635 Market Street - 8th Floor  
Philadelphia, PA 19103  
(215) 207-9460

JOB # 35731

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1 Q. When was the first time you heard of  
2 How Sweet the Sound?  
3 MS. McKINNEY: Objection.  
4 A. I heard about it, I'm going to say,  
5 probably in '06.  
6 Q. 2006?  
7 A. Uh-huh.  
8 Q. Okay. Do you remember what the  
9 connection -- how you heard -- first came into  
10 contact with How Sweet the Sound?  
11 A. No.  
12 MS. McKINNEY: Objection.  
13 A. Just a mention.  
14 Q. Okay. And what's your next  
15 recollection of How Sweet the Sound after your  
16 initial hearing of it in 2006?  
17 A. It was in April of '07 when my boss  
18 Andrew Shafer said, "Here's a program. Go execute."  
19 Q. Okay. And did you know anything  
20 about the program before he said, "Here's a program.  
21 Go execute?"  
22 MS. McKINNEY: Objection.  
23 A. Just that I had heard about it.  
24 Q. So no details. You just -- what did  
25 you know about it?

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1 A. I didn't know anything other than,  
2 "Here's a program. Go execute it. It's your  
3 project."  
4 But when he said that, I had heard  
5 about it before. I just didn't know any details  
6 around it.  
7 Q. I follow you.  
8 Did you know -- at the point you he  
9 told you to go execute it, did you know it was a  
10 choir-based competition?  
11 MS. McKINNEY: Objection.  
12 A. No.  
13 Q. Okay. So you really just knew the  
14 title and none of the details?  
15 A. Right.  
16 Q. Okay. What did you do after Joe  
17 Shafer told you to go execute it?  
18 A. It was Andrew.  
19 Q. I'm sorry.  
20 A. It's okay. Andrew Shafer. He was my  
21 boss.  
22 Ultimately, I picked up the phone and  
23 called Erwin-Penland and said, "Okay. I've just  
24 been given this project to go execute. What do you  
25 know?"

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1 Q. All right. And what did they tell  
2 you?  
3 A. They basically said it was a  
4 choir-based competition that we were going to trial  
5 in Memphis, that they had already selected the  
6 market, and Memphis was the market they were going  
7 to trial it in, and it was choir competition, and we  
8 basically needed to figure out the details of how we  
9 were going to execute it.  
10 Q. Is that what you were tasked with  
11 doing at that point?  
12 A. Yes. I was tasked with that.  
13 Uh-huh.  
14 Q. And how did you actually go about  
15 filling in the details?  
16 A. Basically --  
17 MS. McKINNEY: Objection.  
18 A. -- creative.  
19 MR. CHROMY: Objection.  
20 A. Project plan.  
21 Q. What's a project plan?  
22 A. It's work plan of what do we need to  
23 do to get this done.  
24 Q. Is that something that's in writing?  
25 A. Yes.

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1 Q. Okay. Is it a form that you follow  
2 from Verizon?  
3 A. Yes.  
4 Q. Okay.  
5 A. It's a project plan form.  
6 Q. When you're executing this project  
7 plan form, did you have a hard copy of it or was it  
8 on a computer?  
9 A. Both.  
10 Q. And your hard copy, would you keep it  
11 in a file folder in your office or where would it be  
12 stored?  
13 A. Um, I don't know if it's even stored  
14 anywhere. But it would definitely be in my e-mail.  
15 Q. At the time you would have kept it --  
16 A. My e-mail.  
17 Q. -- on your desk or --  
18 A. It --  
19 MS. McKINNEY: Objection to form.  
20 A. Yeah. It would have been kept in  
21 e-mail.  
22 Q. Okay.  
23 A. We updated it once a week.  
24 Q. Okay. Was it saved on a shared drive  
25 at all or was it just updated via e-mail?

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1 A. No shared drive.  
 2 Q. Okay. Do you have shared drives  
 3 there in Atlanta?  
 4 A. We do, but at the time I was the only  
 5 one working on the project, so there was no need to  
 6 share it with anybody.  
 7 Q. I follow you.  
 8 And when you say the only one working  
 9 on the project, you mean the only one at Verizon?  
 10 A. Yes.  
 11 Q. Okay.  
 12 A. Project manager. I was the only  
 13 project manager. There were other people at  
 14 Verizon, such as legal folks.  
 15 Q. Right.  
 16 Okay. But as far as the actual  
 17 implementation, getting Memphis off the ground, you  
 18 were the only hands-on person there?  
 19 A. Yes. Yes.  
 20 Q. Okay. And who did you work with in  
 21 getting Memphis off the ground?  
 22 A. Erwin-Penland.  
 23 Q. And outside of Erwin-Penland, was  
 24 there any other companies that y'all relied on in  
 25 order to complete the Memphis choir competition?

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1 A. Zenith.  
 2 MS. McKINNEY: Objection.  
 3 Q. Zenith?  
 4 A. Zenith.  
 5 Q. Okay.  
 6 A. They did the media buying.  
 7 Q. And anybody else?  
 8 A. Moxie. Moxie did the on line.  
 9 Q. Anybody else you can think of?  
 10 A. We worked with some T.V. stations  
 11 and radio stations in Memphis with conjunction with  
 12 Zenith for the media buying. We worked with them to  
 13 leverage the media. So we would buy media to  
 14 promote the 30-second spot. So we were -- had -- we  
 15 created a 30-second spot, a commercial, that says  
 16 Come join us at the FedEx Forum for the choir  
 17 competition.  
 18 And Zenith would place the media, and  
 19 then we would meet with the T.V. station to get it  
 20 as value ad, and figure out how they can help us  
 21 leverage it in the community.  
 22 Q. I follow you.  
 23 So when it came time for the actual  
 24 competition, were you there on-site?  
 25 A. Yes.

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1 Q. How many days were you there in  
 2 Memphis?  
 3 A. Just one.  
 4 Q. Just the one, the day of the  
 5 competition?  
 6 A. Day of the competition.  
 7 Q. Did you coordinate everything else  
 8 before that, I'm guessing, to make sure that it went  
 9 flawlessly?  
 10 A. Yes.  
 11 MS. McKINNEY: Objection.  
 12 MR. CHROMY: Objection.  
 13 Q. Okay. Was there anybody there  
 14 on-site for Verizon before the competition, other  
 15 than yourself?  
 16 A. No. It was just me.  
 17 Q. Okay. And I'm guessing, but you tell  
 18 me if I'm right or not, there's somebody from EP  
 19 that was there in Memphis?  
 20 A. Prior to --  
 21 MR. CHROMY: Objection.  
 22 A. -- the competition?  
 23 Yes. But there were also folks from  
 24 Zenith and Moxie. So all agencies were represented.  
 25 Q. Good.

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1 Okay. And then the day of the  
 2 competition, who from Erwin-Penland was there?  
 3 A. About 60 people.  
 4 Q. About 60 people.  
 5 Was Joe Erwin there?  
 6 A. No.  
 7 Q. Allen Bosworth?  
 8 A. No.  
 9 Q. Who would you consider to be the most  
 10 senior person from EP that was there the day of the  
 11 competition?  
 12 MS. McKINNEY: Object to form.  
 13 MR. CHROMY: Object.  
 14 A. Beth Carter.  
 15 Q. Beth Carter.  
 16 What was Ms. Carter's role?  
 17 A. She was making sure that the choirs  
 18 were getting on and off the stage in an efficient  
 19 manner, that the staging lighting was coming up and  
 20 down the way it was supposed to, and making sure the  
 21 plants were there and microphones set up, and...  
 22 Q. How did the Memphis competition go?  
 23 MS. McKINNEY: Objection.  
 24 MR. CHROMY: Objection.  
 25 A. It was a -- in my opinion, it was a

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1 good events.  
 2 Q. Okay. And why so?  
 3 A. It targeted the African-American  
 4 community, and our goal was to target that  
 5 community.  
 6 Q. Okay. Did it -- was it successful in  
 7 your goal?  
 8 MS. McKINNEY: Objection.  
 9 MR. CHROMY: Objection.  
 10 A. To target the AA community, yes, it  
 11 was.  
 12 Q. Okay. Did you measure the success of  
 13 the program afterwards?  
 14 MS. McKINNEY: Objection.  
 15 A. I personally did not, no.  
 16 Q. Did Verizon?  
 17 A. A segmentation person within Verizon  
 18 did.  
 19 Q. Okay. And do you know what the  
 20 results were of that analysis?  
 21 A. I'm aware of those results.  
 22 Q. What were they?  
 23 A. I don't know.  
 24 Q. Okay. Were they favorable?  
 25 A. Some of them were -- you know, some

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1 of the results were favorable.  
 2 Q. Okay. Was some were not favorable?  
 3 A. Yes.  
 4 Q. Do you remember what those were?  
 5 A. From a financial perspective, we  
 6 didn't -- we spent more than -- than what we were  
 7 supposed to get back. It was a costly program.  
 8 Q. Okay. And when you say you spent  
 9 more than you were supposed to get back, what do you  
 10 mean by that?  
 11 A. Well, ultimately, when you spend on  
 12 advertising, you hope to move market share, you  
 13 know, you hope to -- to gain customers and market  
 14 share. And we didn't -- from the results that we  
 15 got, I don't know that we did that.  
 16 Q. You don't know that the Memphis  
 17 actually increased Verizon -- the Memphis How Sweet  
 18 the Sound increased the market share for Verizon?  
 19 MS. McKINNEY: Objection.  
 20 MR. CHROMY: Objection.  
 21 A. Yeah. I don't recall.  
 22 Q. Okay.  
 23 A. I don't recall. I didn't put  
 24 together the results, so I don't know.  
 25 Q. Have you ever presented the results

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1 to anyplace?  
 2 A. Yes. I was -- I participated in  
 3 putting together a deck that was presented to Joe  
 4 Saracino, Andrew Shafer and Suzy Deering.  
 5 Q. How about anybody outside of Verizon?  
 6 A. Did I present it to anyone outside of  
 7 Verizon? Yes. I presented to the ANA.  
 8 Q. Okay. What did you tell the ANA  
 9 about the results of the Memphis How Sweet the Sound  
 10 choir competition?  
 11 MS. McKINNEY: Objection.  
 12 A. That it was -- it was good. It was a  
 13 good event. It was a good event to target the ANA  
 14 as part of a multi-cultural. So they target the AA  
 15 community. It's an organization. So this was a  
 16 good event as a best practice for the ANA  
 17 multi-cultural association.  
 18 Q. Did you tell the attendees that the  
 19 ANA presentation that you spent more than you  
 20 actually got back?  
 21 MS. McKINNEY: Objection.  
 22 A. I don't recall.  
 23 Q. After Memphis, did you report back to  
 24 Verizon as to your opinion of the success of the  
 25 program?

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1 MS. McKINNEY: Object to form.  
 2 MR. CHROMY: Objection.  
 3 A. It was part of the presentation.  
 4 Q. Okay.  
 5 A. So it was part of the presentation.  
 6 Q. Did you recommend that you continue  
 7 to invest in How Sweet the Sound?  
 8 A. Yes.  
 9 MS. McKINNEY: Objection.  
 10 Q. Why is that?  
 11 A. Because it was a program to target  
 12 the AA community, and I felt like it was a good  
 13 program to target that. It's one that we  
 14 under-penetrated against, and this was a good program  
 15 to reach that audience.  
 16 Q. When you say, "Under-penetrated  
 17 against," can you explain that for me?  
 18 A. Verizon typically does very well  
 19 against Caucasian.  
 20 Q. Uh-huh?  
 21 A. But we don't do as well we under  
 22 index against multi-cultural and general, so  
 23 Hispanic or Asian or African-American.  
 24 Q. Is it for cell phones in particular  
 25 or is it across all lines of business?

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1 A. I can't answer that. I only work on  
2 cell phones.  
3 Q. But for cell phones you underperform  
4 in the multi-cultural area?  
5 A. Correct. And this was a good program  
6 to reach them.  
7 Q. Okay. Is that still true today, that  
8 Verizon still underperforms in the multi-cultural  
9 area?  
10 A. I don't know.  
11 Q. Okay. Does your job involve -- no  
12 longer involved that analysis?  
13 A. No.  
14 Q. Okay. And that changed when you  
15 moved to the Associate Director of National  
16 Advertising?  
17 A. That's correct.  
18 Q. Okay. So after the 2006 How Sweet  
19 the Sound program in Memphis?  
20 A. 2007.  
21 Q. Sorry. 2007. Thank you.  
22 After that program in 2007, what was  
23 your involvement with How Sweet the Sound from there  
24 on?  
25 A. Really none. I -- when corporate

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1 decided they wanted to take the event and they  
2 wanted to continue it, I basically sat in as a  
3 consultant role, Don't forget to do this, Don't  
4 forget -- you know, you got to figure out how to get  
5 from point A to point B.  
6 Q. Right.  
7 The little details that you learned  
8 from Memphis?  
9 A. Right.  
10 Q. Okay. So were you involved at all in  
11 the 2008 shows of How Sweet the Sound?  
12 A. No.  
13 Q. Okay. And other than consulting in  
14 2007, did you have anything else to do with How  
15 Sweet the Sound?  
16 A. And 2008 I consulted.  
17 Q. Still consulted?  
18 A. Well --  
19 Q. I'm sorry.  
20 A. We did the event in Memphis in 2007,  
21 and then I consulted in 2008.  
22 Q. And now other than the consulting  
23 role in 2008, you didn't have anything to do with  
24 How Sweet the Sound?  
25 A. That's correct.

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1 Q. Okay. After the 2007 event in  
2 Memphis, did Verizon -- how did Verizon judge the  
3 success of the Memphis product?  
4 MS. McKINNEY: Object.  
5 A. I couldn't tell you. I don't know  
6 how -- how they would judge it.  
7 Q. Did somebody -- does somebody  
8 actually analyze it to see whether or not it's good  
9 money spent?  
10 MS. McKINNEY: Object to form.  
11 A. I don't know.  
12 Q. Okay. Your office has nothing to do  
13 with analyzing whether or not it's good money spent?  
14 A. No.  
15 Q. Okay. Was the Memphis event, as you  
16 understood, the How -- strike that.  
17 As you understood the How Sweet the  
18 Sound concept, was it an American Idol-type event?  
19 MS. McKINNEY: Objection.  
20 A. We never called it that. I mean, it  
21 was just a choir competition.  
22 Q. Did it always -- all right. Did it  
23 always contemplate events in various cities?  
24 MS. McKINNEY: Objection.  
25 MR. CHROMY: Objection.

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1 A. No.  
2 Q. No?  
3 A. No.  
4 Q. Was it a grassroots effort?  
5 MS. McKINNEY: Objection.  
6 A. It was a grassroot effort to trial in  
7 Memphis.  
8 Q. Did it have a T.V. component in  
9 Memphis?  
10 MS. McKINNEY: Objection.  
11 A. No.  
12 Q. Did it have an internet component?  
13 MS. McKINNEY: Objection.  
14 A. Yes. Online registration.  
15 Q. Okay. Did you have text voting in  
16 Memphis?  
17 MS. McKINNEY: Objection.  
18 A. Yes, we did.  
19 Q. Do you think How Sweet the Sound was  
20 a successful marketing tool for Verizon to raise  
21 company perception of the African-American  
22 community?  
23 MS. McKINNEY: Objection.  
24 MR. CHROMY: Objection.  
25 A. Yes. My opinion is I think it took

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1 -- it was a good marketing tool to reach the AA  
 2 community. Uh-huh. Yes.  
 3 Q. Do you know anything about the  
 4 decision that was made in order to get to the point  
 5 of doing the Memphis competition?  
 6 A. No, sir.  
 7 Q. Okay. Again, your role came in just  
 8 simply after Mr. Shafer told you to go ahead and  
 9 implement it?  
 10 A. You got it.  
 11 Q. The decision had already been made by  
 12 Verizon at that point somewhere above your head, so  
 13 to speak, to do the event?  
 14 A. Yes, sir.  
 15 Q. How did you -- well, let me ask you  
 16 this.  
 17 Did Mr. Shafer give you a budget to  
 18 do the Memphis event with or did you develop that  
 19 after Mr. Shafer said, "Run with it?"  
 20 A. I don't recall. But we did have a  
 21 budget, and we did meet until he -- he departed in  
 22 July and moved up to New Jersey.  
 23 So prior to him departing, we did  
 24 meet pretty regularly about the budget. But I don't  
 25 recall if he gave me a budget or we had to determine

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1 it.  
 2 Q. Right. What you're saying is that  
 3 when he said, "Run with it," you weren't sure if he  
 4 had a budget in hand or you developed it in  
 5 conjunction with him and other people at that point?  
 6 MS. McKINNEY: Objection.  
 7 A. Exactly. I don't recall.  
 8 Q. Okay. Had you done budgeting before  
 9 for other similar advertising things?  
 10 A. Yes.  
 11 Q. Okay.  
 12 A. Yes.  
 13 Q. Who took over Mr. Shafer's role when  
 14 he left?  
 15 A. No one.  
 16 Q. Did anybody who assumed his duties?  
 17 A. Diane Whitehead up in New Jersey.  
 18 Q. Okay. Do you know who Jeff  
 19 Greenfield is?  
 20 A. No, sir.  
 21 Q. Have you ever heard of him prior to  
 22 hearing about this litigation?  
 23 A. No, sir.  
 24 Q. Okay. When you were doing the  
 25 Memphis event, how did you select the contractors

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1 there to that were going to provide various  
 2 services, for instance, the stage crew?  
 3 A. Basically, Erwin-Penland put together  
 4 an estimate of what we needed from florist to  
 5 catering to lighting. And that's pretty standard  
 6 with everything that we do, they put together an  
 7 estimate.  
 8 Q. Right.  
 9 A. And we approved it.  
 10 Q. Okay. All right. Is Verizon able to  
 11 direct any of those specific categories? For  
 12 instance, if you wanted a particular florist to  
 13 provide the flowers, are you able to direct --  
 14 MS. McKINNEY: Objection.  
 15 Q. -- and determine who the florist is  
 16 going to be for the event?  
 17 A. Yes.  
 18 MR. CHROMY: Objection.  
 19 Q. Okay. I'm going to show you what  
 20 looks to be an e-mail thread that you're involved  
 21 in, Ms. Duval. It's Verizon document number 223429  
 22 through 223431. And we're going to mark this as  
 23 Exhibit Number-1 to your deposition.  
 24 (Document Bates labeled VZW-223429  
 25 through VZW-223431 is received and marked

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1 Exhibit-1 for identification.)  
 2 MR. DOOLITTLE: The highlights on  
 3 this document are mine.  
 4 Q. Let me show you that, and ask you if  
 5 you remember this e-mail in 2007?  
 6 A. Okay.  
 7 MR. CHROMY: Do you have copies,  
 8 Paul?  
 9 MR. DOOLITTLE: No, I don't. But  
 10 you're welcome to --  
 11 MR. CHROMY: If you don't mind, I'm  
 12 going to go look over her shoulder.  
 13 MS. McKINNEY: And if we can look at  
 14 it before you ask her questions.  
 15 A. Is it alright for me to read this for  
 16 a minute?  
 17 Q. Absolutely, Ms. Duval. You're  
 18 entitled to read the entire thing?  
 19 A. Okay. I just need to refresh my  
 20 memory.  
 21 Q. Sure. I don't have a lot of  
 22 questions on it, but you're entitled to read  
 23 everything you want to on it.  
 24 A. Okay.  
 25 Q. Okay. Ms. Duval, looking at Exhibit